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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,159	11/07/2001	Shinichi Kikuchi	P 284083 T4A0A-01S0950-1	4882
909	7590	01/06/2005	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			VENT, JAMIE J	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/986,159

Applicant(s)

KIKUCHI ET AL.

Examiner

Jamie Vent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8 and 18-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2, 3, 4, 5, and 18 are rejected under 35 U.S.C. 102(b) as being unpatentable by Kimura et al (US 5,905,844).**

**Claims 4 and 9- 17 are cancelled.**

**[claims 1 & 20]**

In regard to Claims 1 and 20, Kurdora et al discloses a recording device which handles recording reservations, comprising:

- Input means for inputting video signal (Figure 1 shows the input of a video signal through the satellite broadcasting receiver 301);
- Recording means for recording a video signal to be inputted via the input means (Figure 6 recording device 26 records the video input signal);
- Reservation receiving means for receiving input of recording reservation information (Figure 1 shows the receiving of information through a satellite broadcast receiver wherein reservation information is provided with the A/V signal);

- Copy information detecting means for detecting at least duplicate copy prohibition information showing copying of the video signal is allowed only once (Figure 6 copy protection code detector determines the copy information, such as the number of copies permitted (none, one, or multiple);
- First recording control means for causing the recording means to record a target video signal where a synchronization signal is detected via the input means on the basis of the recording reservation information to be received by the reservation receiving means, at least when the duplicate copy prohibition information received from the copy information detecting means is attached to the target signal (Figure 6 shows the controller 20 which controls the various signals and the amount of permitted copies. It is further described in Column 12 Lines 22-45 that controller permitting the recording of a target video signal via the basis of information detected through the recording reservation information as further seen in Figure 5); and
- Second recording control means for stopping the recording of the target video signal by the first recording control means when the target video signal requested by the recording reservation information received by the reservation receiving means is not obtained via the input means, or when the target video signal is obtained and copying of the target video signal is prohibited. (Figure 10 shows the stopping of the reading and thereby the stopping of the target video signal when S16 receives a no command the video is thereby stopped in S18 as described in Column 20 Lines 25-32).

[claims 2,3, 21, & 22]

In regard to Claims 2, 3, 21 and 22, Kurdora et al discloses a recording device that handles recording reservations that stop information display comprising:

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- Stop information display means for displaying the recording reservation information received by the reservation receiving means, and displaying as information relating to stopping of recording by the second recording control means, at least stop information which indicates stopping due to an absence of video signals and stop information which indicates stopping due to copy prohibition (Figure 3 shows the display which is used for showing the recording reservation information. Information displayed ranges from current playing video when recording is authorized to prohibiting recording and thereby stopping the target video when unauthorized copy protection signal is identified or there is lack of incoming video signal as further detailed in Figure 8).

**[claims 5 & 23]**

In regard to Claims 5 and 23, Kurdora et al discloses a recording device that handles recording reservations wherein:

- the second control means stops recording by the first recording control means when a synchronization signal is not detected via the input means even if a predetermined period of time has passed from a recording start time shown by the recording reservation information (Figure 7 shows the determination of the presences of the synchronized signal wherein recording begins on the determination of watermark, copy protection code, and/or CCMS is present in the video signal as seen in the permission table in Figure 8).

**[claim 18]**

In regard to Claim 18, Kurdora et al discloses a recording method which handles recording reservations comprising:

- Receiving input of recording reservation information (Figure 1 shows the input of a video signal through the satellite broadcasting receiver 301);
- Detecting at least a duplicate copy prohibition information showing copying of a video signal is allowed by the user (Figure 5 shows the detection of authorizing the user of the following copy modes: never copy, one copy, or copy free);
- Recording a target video signal on the basis of the received recording reservation information at least when the duplicate copy prohibition information is attached to the target video signal (Figure 8 shows the permission set for recording a target video signal on the basis of recording reservation that is inputted into the system by the video signal as seen in Figure 6); and
- stopping recording operation when the target video signal is not obtained or when copying of the target video signal is prohibited. (Figure 3 shows the display, which is used for showing the recording reservation information. Information displayed ranges from current playing video when recording is authorized to prohibiting recording and thereby stopping the target video when unauthorized copy protection signal is identified or there is lack of incoming video signal as further detailed in Figure 8).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 8, 24, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroda et al (US 6,707,774) in view of Murase et al (US 6,611,655).

[claims 6, 7, 8, 24, 25, & 26]

In regards to Claims 6, 7, 8, 24, 25, and 26, Kuroda et al discloses a recording device that handles recording reservations; however, lacks the following:

- an after-recording process that is once executed by the first recording control means, deleting the recording reservation information received by the receiving means and recording, onto an information recording medium of a recording destination of the video signal, information relating to the recording executed by the first recording control means.
- Recording the title onto a PGI on the information recording medium as the information relating to the recording; and
- Recording the time onto a VOB on the information-recording medium as the information relating to the recording.

Murase et al discloses a recording system method, as seen in Figure 47, that receives and executes recording reservations and once the video signal is recorded the recording reservations are further stored on the memory of the unit as information regarding the recorded program. Murase et al further discloses in Column 25 Lines 33-49 that each audio video stream is managed using video object units as well as PGI being recorded for each program.

Therefore, it would be obvious to one skilled in the art of the time of the invention to incorporate the recording reservation apparatus of Kimura et al and incorporate a system that stores the recording reservations, as disclosed by Murase et al, to allow for comparison of previously recorded data as well as a system that would allow for backup storage of the video recorded and further incorporate the storing of

the information in a means using PGI and VOBİ to allow for management of the recording using the title and times of recorded programs.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 703-305-0378. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent  
12/13/04



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